



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

**Kilncraigs, Greenside Street, Alloa, FK10 1EB
(Tel.01259-450000)**

Regulatory Committee

Tuesday 26 March 2024 at 9.30 am

**The meeting will be held by
Video Conference (MS Teams)**



Regulatory Committee

The Regulatory Committee, subject to the Council's approved policies, has responsibility for:

1. Determining applications for the grant or renewal of any licences to be issued under the Civic Government (Scotland) Act 1982, including the imposition of conditions on any licence granted.
2. Determining whether to suspend or alter any licence issued under the Civic Government (Scotland) Act 1982.
3. Determining whether to recall a suspension made pursuant to the terms of the Civic Government (Scotland) Act 1982.
4. Setting, approving and reviewing any policies in respect of the operation of the licensing regime under the Civic Government (Scotland) Act 1982.
5. Discharging the Council's statutory licensing function in respect of all legislation that imposes the duty on the Council as the appropriate authority to determine applications or to grant regulatory consents in respect of any licensable activities prescribed by statute.
6. Holding hearings and determining HMO Licence applications in terms of Schedule 4 of the Housing (Scotland) Act 2006.
7. Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Community and Regulatory Services related to Environmental Health, Licensing (other than alcohol licensing) and Trading Standards.
8. Taking decisions on suspending or altering a premises approval as provided for under the Marriage (Scotland) Act 2002.
9. Holding hearings for the purposes of paragraph 7 of Schedule 1 of the Smoking Health and Social Care (Scotland) Act 2005 (the SHSCA 2005).
10. Hearing appeals against officers' decisions to refuse or remove a landlord's or agent's registration under part 8 of the Antisocial Behaviour etc (Scotland) Act 2004.

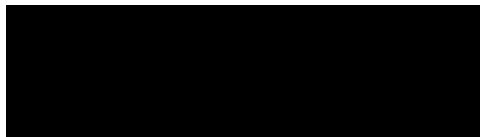
Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

Details of all of our Council and Committee dates and agenda items are published on our website at www.clacks.gov.uk

If you require further information about Council or Committee meetings, please contact Committee Services by e-mail at committees@clacks.gov.uk or by telephone on 01259 452006 or 452004.

18 March 2024

A MEETING of the REGULATORY COMMITTEE will be held Via MS Teams on TUESDAY 26 MARCH 2024 at 9.30 AM



DALE BELL
Depute Clerk to the Regulatory Committee

B U S I N E S S

	Page No.
1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Minutes of Regulatory Committee held on Tuesday 30 January 2024 (Copy herewith)	05

EXEMPT INFORMATION

It is anticipated (although this is not certain) that the Committee will resolve to exclude the press and public during consideration of these items.

It is considered that the undernoted reports are treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraphs 3 and 6 of the Local Government (Scotland) Act 1973.

4. Application for Grant of a Skin Piercing and Tattooing Licence (Elise Miler) – Application Form and Representation from Environmental Health (Copies herewith)	09
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Regulatory Committee – Committee Members (Membership 8 – Quorum 4)

Councillors

Wards

Councillor	Darren Lee (Chair)	1	Clackmannanshire West	CONSERVATIVE
Councillor	Kenneth Earle (Vice Chair)	4	Clackmannanshire South	LABOUR
Councillor	Martha Benny	2	Clackmannanshire North	CONSERVATIVE
Councillor	Phil Fairlie	1	Clackmannanshire West	SNP
Councillor	Wendy Hamilton	3	Clackmannanshire Central	SNP
Councillor	Scott Harrison	5	Clackmannanshire East	SNP
Councillor	Kathleen Martin	5	Clackmannanshire East	LABOUR
Councillor	Jane McTaggart	3	Clackmannanshire Central	SNP



**MINUTES OF MEETING of the REGULATORY COMMITTEE held in the COUNCIL
CHAMBER, KILNCRAIGS, ALLOA on TUESDAY 30 JANUARY 2024 at 9.30 AM**

PRESENT

Councillor Darren Lee (Chair)
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Phil Fairlie
Councillor Scott Harrison
Councillor Jane McTaggart
Councillor Kathleen Martin

IN ATTENDANCE

Shaun Carroll, Licensing Paralegal, Legal and Governance
Lezli-Anne Sharp, Licensing Paralegal Administrator
Dale Bell, Solicitor, Legal and Governance (Depute Clerk to the Committee)
Gillian White, Committee Services, Legal and Governance
Melanie Moore, Committee Services, Legal and Governance

RC(24)01 APOLOGIES

Apologies for absence were received from Councillor Wendy Hamilton.

RC(24)02 DECLARATIONS OF INTERESTS

None.

The Chair intimated that an item of urgent business had been submitted by the Depute Clerk to the Regulatory Committee in relation to a proposal for the immediate suspension of the Wheelchair Accessible Vehicle Application Policy. In terms of Standing Order 11.6, the Chair agreed to accept this item as urgent business and advised it would be taken as Item 6 on the Agenda.

RC(24)02 MINUTES OF REGULATORY COMMITTEE – 21 NOVEMBER 2023

The minutes of the meeting of the Regulatory Committee held on Tuesday 21 November 2023 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on Tuesday 21 November 2023 were agreed as a correct record and signed by the Chair.

RC(24)03 PUBLIC ENTERTAINMENT – VARIATION TO STANDARD CONDITIONS

The report, submitted by the Depute Clerk to the Regulatory Committee, sought approval for a variation to the existing standard conditions for public entertainment licences. The proposed variation to the standard conditions aims to allow the licensing authority to more effectively ensure public safety in licensed public entertainment venues. The proposed variation to the standard conditions amounts to a variation for both current public entertainment licence holders and future applicants.

Motion

That the Committee approves the recommendation as set out in the report.

Moved by Councillor Darren Lee. Seconded by Councillor Martha Benny.

Decision

The Committee agreed to approve the variation to the existing standard conditions for public entertainment licences (as set out in Appendix A).

Action

Depute Clerk to the Regulatory Committee

EXEMPT ITEM

The Committee resolved in terms of Section 50A of the Local Government (Scotland) Act, 1973, that the press and public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as detailed in Schedule 7A, Part 1, Paragraphs 3, and 6.

RC(24)04 APPLICATION FOR THE GRANT OF A TAXI DRIVERS LICENCE

The Licensing Authority had received an application for the grant of a Taxi Driver Licence. Representations on the application had been received from the Civic Licensing Standards Officer (CLSO) and Police Scotland.

Attending

Mr Lewis Usher, Applicant

Mr John Usher, Applicant's Representative

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)

Sergeant Malcolm O May, Police Scotland

The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence; grant the licence subject to local conditions; or refuse the application.

The Committee heard representation from the Civic Licensing Standards Officer (CLSO), Police Scotland; the applicant and his representative; and had the opportunity to put questions to all.

Motion

Having considered all of the information presented to it and having had the opportunity for questions that the Committee grants the application for a Taxi Drivers Licence.

Moved by Councillor Darren Lee. Seconded by Councillor Kenneth Earle.

Decision

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to grant the application for Taxi Drivers Licence.

Action

Depute Clerk to the Committee

RC(24)05 APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE

The Licensing Authority had received an application for the grant of a Private Hire Operator Licence. A representation on the application had been received from the Civic Licensing Standards Officer (CLSO).

Attending

Mr Eamon Sweeney, Applicant (via Teams)

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)

The Committee were asked to consider all the information before them and having done so to determine whether to grant the licence; grant the licence subject to local conditions; or refuse the application.

The Committee heard representation from the Civic Licensing Standards Officer (CLSO), and the applicant; and had the opportunity to put questions to both.

Motion

Having considered all of the information presented to it and having had the opportunity for questions that the Committee grants the application for a Private Hire Operator Licence.

Moved by Councillor Phil Fairlie. Seconded by Councillor Jane McTaggart.

Decision

Having considered all of the information presented to it and having had the opportunity for questions, the Committee agreed unanimously to grant the application for a Private Hire Operator Licence.

Action

Depute Clerk to the Committee

NON EXEMPT ITEM

RC(24)06 EMERGENCY REPORT ON WHEELCHAIR ACCESSIBLE VEHICLE POLICY

The emergency report, submitted by the Depute Clerk to the Regulatory Committee, aimed to bring to the Committee's attention a proposal regarding the suspension of the current Wheelchair Accessible Vehicle (WAV) Policy which was approved by the Committee on the 30th of May 2023. The Licensing Authority is committed to ensuring equitable access to transportation services for all members of our community. However, it has become evident that a reassessment of our existing policies is necessary to address pressing concerns and to meet the evolving needs of the public.

The current policy mandates that all new taxi plate applications must be for Wheelchair Accessible Vehicles (WAVs) only. While this policy was initially conceived with the intention of enhancing the availability of accessible taxis in Clackmannanshire, there has since been developments which impact the overall efficiency and accessibility of our taxi trade. The Licensing Authority now has 10 taxi plates available, out of the approved maximum of 55.

Currently, the demand for taxi services appears to outweigh the availability. This is particularly apparent in the evening and at weekends. As a result, it appears that there is significant shortage of taxis in circulation. This leads to extended wait times and inadequate service coverage.

The adherence to the WAV-only policy limits the flexibility of existing and new taxi operators. By temporarily suspending this policy, an environment can be created that encourages more vehicles on the road as taxis, ultimately driving improvements in overall service quality.

For the reasons set out above, the Chair, in terms of Standing Order 11.6, agreed to accept this item as urgent business.

Motion

That the Committee approves the recommendation as set out in the report.

Moved by Councillor Phil Fairlie. Seconded by Councillor Martha Benny.

Decision

The Committee agreed to the immediate suspension of the Wheelchair Accessible Vehicle Application Policy for a period of 6 months or until a quota of 52 active taxi plates is reached.

Action

Depute Clerk to the Regulatory Committee

Ends 11.35 am